

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

ANTHONY L. EVANS,

Plaintiff,

vs.

JIM SALMONSEN, CHRISTINE
KLANECKY,

Defendants.

Cause No. CV 22-56-H-BMM-JTJ

ORDER

This matter comes before the Court on Plaintiff Anthony L. Evans (“Evans”)’s civil rights complaint filed pursuant to 42 U.S.C. § 1983. (Doc. 2.) The parties engaged in a settlement conference on May 19, 2023. Defendants Jim Salmonsen and Christine Klanecky (“Defendants”) filed a motion to vacate the remaining deadlines contained within the Court’s Scheduling Order following the conference. (Doc. 20.) Defendants advised the Court that the parties had reached an agreement for resolution of the matter and required additional time to finalize and implement the terms of the agreement. (*Id.* at 1–2.) The Court granted the motion, vacated the Scheduling Order, and provided the parties until July 12, 2023, to file a joint motion to dismiss and proposed order. (Doc. 21.)

Evans filed a motion on June 26, 2023, seeking an additional settlement conference because Defendants had not timely complied with the terms agreed upon in the settlement agreement. (Doc. 22.) Evans also requested that sanctions be

imposed. Defendants filed an Objection to Evans' Motion on July 10, 2023. (Doc. 24.) Defendants also filed an unopposed motion to amend the prior order of the Court on the same date. (Doc. 23.) Defendants, in both the Objection and the unopposed Motion, informed the Court that they were in the process of performing the affirmative relief agreed upon in the mediated settlement agreement but that doing so required more time than anticipated. (*Id.* at 1–2.) Defendants informed the Court that the parties had negotiated a new deadline of August 1, 2023, for Defendants to provide their affirmative relief. (Doc. 24 at 1.) Defendants requested that the Court allow them until August 12, 2023, to file the joint motion to dismiss. (*Id.*) Defendants represented that they had conferred with Evans on June 30, 2023, and that he did not oppose the motion. (*Id.* at 2.) The Court granted Defendants' unopposed Motion. (Doc. 25.)

Evans, on July 12, 2023, filed another motion to modify the Court's order and requested that no extensions beyond the August 1, 2023, deadline be allowed. (Doc. 26.) He advised the Court if such modification were allowed, he would withdraw from the Settlement Agreement. (*Id.* at 2.) As set forth above, however, the Court had already extended the deadline to August 12, 2023, prior to Mr. Evans' July 12, 2023, filing. Mr. Evans filed a subsequent motion on August 3, 2023, requesting another mediation and sanctions against Defendants for their failure to comply with the original August 1, 2023, deadline. (Doc. 27.) The Court, as previously explained,

however, already has extended the deadline for filing a joint motion for dismissal to August 12, 2023.

Based on the foregoing, the Court enters the following:

ORDER

Accordingly, **IT IS ORDERED** that:

1. Mr. Evans' Motion for Settlement Conference (Doc. 22), Motion to Modify (Doc. 26), and Motion for Mediation and Sanctions (Doc. 27) are all **DENIED as moot**. Mr. Evans may refile his Motion if Defendants fail to comply with the August 12, 2023, deadline.

2. Defendants are directed to file a joint report regarding the status of the settlement agreement and its implementation by August 11, 2023.

DATED this 8th day of August, 2023.



Brian Morris, Chief District Judge
United States District Court